

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

LARRY SEVENSKI,

Plaintiff,

v.

CASE NO:
HONORABLE:

BROCK ARTFITCH,
in his individual and official capacity,

Defendant.

CHRISTOPHER TRAINOR & ASSOCIATES CHRISTOPHER J. TRAINOR (P42449) AMY J. DEROUIN (P70514) Attorneys for Plaintiff 9750 Highland Road White Lake, MI 48386 (248) 886-8650 amy.derouin@cjtrainor.com	
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THERE IS NO OTHER PENDING OR RESOLVED ACTION ARISING OUT
OF THE TRANSACTION OR OCCURRENCE ALLEGED IN THE
COMPLAINT

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, LARRY SEVENSKI, by and through his attorneys, CHRISTOPHER TRAINOR & ASSOCIATES, and for his Complaint against the above-named Defendants states as follows:

1. Plaintiff is currently a resident of the Township of Elmira, County of Otsego, State of Michigan.

2. Defendant Brock Artfitch was and/or is a police officer working and/or assigned to the Michigan State Police and at all times mentioned herein were acting under color of law, in their individual and official capacities, and within the course and scope of their employment.
3. All events giving rise to this lawsuit occurred in the Township of Elmira, County of Antrim, State of Michigan.
4. This lawsuit arises out of Defendant's violation of Plaintiff's federal constitutional rights as secured by the Fourth Amendment as it applies to the States through the Fourteenth Amendment to the United States Constitution and consequently, Plaintiff has a viable claim for damages under 42 U.S.C. §1983. Plaintiff also has viable state law claims.
5. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §1331 [federal question] and 28 U.S.C. § 1343 [civil rights].
6. That the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), not including interest, costs, and attorney fees.

FACTS

7. Plaintiff realleges and incorporates by reference each and every paragraph of this Complaint as though fully set forth herein.

8. That on March 17, 2017, Plaintiff was driving on Thumm Rd. in Elmira, Michigan.
9. Defendant Brock Artfitch performed a traffic stop on Plaintiff.
10. Plaintiff immediately exited his vehicle.
11. Defendant then exited his patrol vehicle and approached Plaintiff.
12. Defendant Artfitch placed his hand on Plaintiff's chest and pushed him backwards.
13. Defendant Artfitch then grabbed Plaintiff's left arm and pulled on it.
14. Defendant Artfitch then threw Plaintiff to the ground causing Plaintiff to hit his face and arm on the ground.
15. Plaintiff was transported via ambulance to McLaren Northern Michigan Hospital for his injuries.
16. As a result of Defendant's unlawful and excessive actions and/or inactions, Plaintiff suffered significant injuries and damages.

COUNT I
VIOLATION OF THE FOURTH AMENDMENT
42 U.S.C. § 1983 EXCESSIVE FORCE

17. Plaintiff realleges and incorporates by reference each and every paragraph of this Complaint as though fully set forth herein.

18. At all relevant times herein, the individual Defendant acted under color of law, within the scope and course of their employment, and in their official and individual capacities.

19. Defendant violated Plaintiff's clearly established and federally protected rights as set forth under the United States Constitution and the Amendments thereto, including, but not limited to, the Fourth Amendment of the United States Constitution to be free from unreasonable searches and seizures mainly to be free from excessive use of force, when they employed unnecessary and unreasonable excessive force which resulted in significant injuries to Plaintiff.

20. The actions of Defendant was at all times objectively unreasonable in violation of Plaintiff's clearly established rights under the Fourth Amendment to the United States Constitution which proximately resulted in significant injuries to Plaintiff.

21. Defendant is not not entitled to qualified immunity because he violated Plaintiff's clearly established Fourth Amendment right to be free from excessive use of force.

22. As a proximate result of the violations and/or deprivations of Plaintiff's constitutional rights by Defendant, Plaintiff has a viable claim for compensatory and punitive damages pursuant to 42 U.S.C. § 1983 together with costs, interests, and attorney fees as set forth in 42 U.S.C. § 1988.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an award in his favor and against Defendant in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest, costs, and attorney fees.

Respectfully Submitted,
CHRISTOPHER TRAINOR & ASSOCIATES

s/ Christopher J. Trainor
CHRISTOPHER J. TRAINOR (P42449)
AMY J. DEROUIN (P70514)
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9750 Highland Road
White Lake, MI 48386
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Dated: October 26, 2018
CJT/lvp

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DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff, LARRY SEVENSKI, by and through his attorneys, CHRISTOPHER TRAINOR & ASSOCIATES, and hereby makes a demand for trial by jury in the above-entitled cause.

Respectfully Submitted,
CHRISTOPHER TRAINOR & ASSOCIATES

s/ Christopher J. Trainor
CHRISTOPHER J. TRAINOR (P42449)
AMY J. DEROUIN (P70514)
Attorneys for Plaintiff
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